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## WISCONSIN LEGISLATIVE COUNCIL

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### JOINT LEGISLATIVE COUNCIL MINUTES

Room 412 East, State Capitol  
Madison, Wisconsin

June 1, 2005  
8:35 - 10:00 a.m.

[The following is a summary of the June 1, 2005 meeting of the Joint Legislative Council. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting and a copy of the registration form listing those who attended. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### Call to Order and Roll Call

Co-Chair Lasee called the meeting to order. He made brief remarks relative to the day's agenda.

Co-Chair Lasee asked that the roll be taken. Noting that a quorum was not present, he asked that the roll be left open and members recorded as they arrived. Shortly thereafter, Co-Chair Lasee announced that a quorum was present.

COMMITTEE MEMBERS  
PRESENT:

Sen. Alan Lasee and Rep. Steve Wieckert, Co-Chairs; Sens. Ronald Brown, Russell Decker, Scott Fitzgerald, Glenn Grothman, Dan Kapanke, Mark Miller, Fred Risser, Judith Robson, Dale Schultz and David Zien; and Reps. John Ainsworth, Stephen Freese, John Gard, Michael Huebsch, Dean Kaufert, Jim Kreuser, Ann Nischke, Mark Pocan and Marlin Schneider.

COMMITTEE MEMBER  
EXCUSED:

Rep. David Travis.

COUNCIL STAFF PRESENT:

Terry C. Anderson, Director; Laura Rose, Deputy Director; Don Dyke, Chief of Legal Services; Joyce Kiel, Mary Matthias and Russ Whitesel, Senior Staff Attorneys; Mary Offerdahl, Staff Attorney; David L. Lovell, Senior Analyst; and Wendy Ulrich and Kelly Mautz, Administrative Assistants.

APPEARANCES: NCSL President, Delegate John Hurson, Maryland; NCSL President-Elect, Senator Steven Rauschenberger, Illinois; Sen. Alan Lasee, Chair, Special Committee on Municipal Annexation; Rep. Jeff Fitzgerald, Chair, Special Committee on Tax Exemptions for Residential Property (Columbus Park); and Rep. Terry Musser, Chair, Special Committee on State-Tribal Relations.

### **Approval of the Minutes of the Committee's May 4, 2005 Meeting**

Co-Chair Lasee asked for a motion to approve the May 4, 2005 minutes of the Joint Legislative Council.

*Rep. Freese moved, seconded by Sen. Brown, that the minutes of the May 4, 2005 meeting be approved. The motion was adopted by unanimous consent.*

### **Committee Report No. 13 of the Special Committee on Municipal Annexation**

Senator Alan Lasee, Chair, Special Committee on Municipal Annexation, reported on the activities of the committee and described WLC: 0132/1 and WLC: 0067/2, the committee's recommended drafts.

Co-Chair Wieckert asked if there was any discussion on the proposals. Following a few brief comments from Joint Legislative Council members:

*Rep. Freese moved, seconded by Rep. Schneider, that WLC: 0132/1, relating to municipal boundary agreements and the use of alternative dispute resolution in municipal boundary disputes; and WLC: 0067/2, relating to Department of Administration advisory review of certain annexations, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 17 (Sens. Lasee, Brown, Decker, Fitzgerald, Kapanke, Miller, Robson and Schultz; and Reps. Wieckert, Ainsworth, Freese, Huebsch, Kaufert, Kreuser, Nischke, Pocan, and Schneider); Noes, 0; and Excused, 5 (Sens. Grothman, Risser and Zien; and Reps. Gard and Travis).*

### **Remarks by National Conference of State Legislatures Leadership**

NCSL President, Delegate John Hurson, Maryland; and NCSL President-Elect, Senator Steven Rauschenberger, Illinois, presented brief remarks on NCSL's continued efforts to ensure that Wisconsin's ideas are advanced, promoted, and shared with other states and taken to the federal level.

After a few general questions and comments, Co-Chair Lasee thanked Mr. Hurson and Mr. Rauschenberger for appearing before the Council.

### **Committee Report No. 9 of the Special Committee on Tax Exemptions for Residential Property (Columbus Park)**

Representative Jeff Fitzgerald, Chair, briefly reported on the activities of the committee and highlighted the key points in WLC: 0186/2.

Co-Chair Lasee asked if there was any discussion on the proposal.

The Council members discussed the draft. Senator Kapanke described an amendment to the draft which he had distributed to the members. The amendment would restore the property tax exemption for certain housing for older persons that would be taxable under the draft. The amendment would require the owners of such property to make payments for municipal services in an amount determined by the property owner. The amendment would also limit the use of rental income by benevolent associations to the county in which property is located, or a contiguous county.

*Sen. Kapanke moved, seconded by Sen. Schultz, to introduce WLC: 0219/2, an amendment to WLC: 0186/2, that would restore the property tax exemption for certain housing, require municipal service payments, and limit the use of rental income by benevolent associations, be adopted.*

Several Council members stated that the draft would be unacceptably weakened by the amendment and that the draft should be forwarded to the Legislature as it was recommended by the Special Committee, and the standing committees would be better informed to amend the draft if necessary.

*Sen. Miller moved, seconded by Rep. Kreuser, to table WLC: 0219/2, the amendment to WLC: 0186/2. The motion passed on a roll call vote as follows: Ayes, 11 (Sens. Decker, Miller, Risser and Robson; and Reps. Wieckert, Freese, Gard, Kaufert, Kreuser, Pocan and Schneider); Noes, 9 (Sens. Lasee, Brown, Grothman, Kapanke, Schultz and Zien; and Reps. Ainsworth, Huebsch and Nischke); and Excused, 2 (Sen. Fitzgerald and Rep. Travis).*

*Rep. Wieckert moved, seconded by Sen. Schultz, that WLC: 0186/2, relating to revision and elimination of the exemption from the property tax for certain property and the use of income from certain tax-exempt leased property, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 15 (Sens. Lasee, Brown, Decker, Fitzgerald, Miller, Risser, Robson and Schultz; and Reps. Wieckert, Gard, Kaufert, Kreuser, Nischke, Pocan and Schneider); Noes, 6 (Sens. Grothman, Kapanke and Zien; and Reps. Ainsworth, Freese and Huebsch); and Excused, 1 (Rep. Travis).*

## **Committee Report No. 14 of the Special Committee on State-Tribal Relations**

Representative Terry Musser, Chair, Special Committee on State-Tribal Relations, reported on the activities of the committee and described the following eight drafts recommended to the Joint Legislative Council:

1. **WLC: 0069/6**, relating to creating a property tax exemption for real property owned by an American Indian tribe or band and used exclusively for a governmental purpose.
2. **WLC: 0177/2**, relating to providing state aid to tribal schools for certain pupils and creating an appropriation.
3. **WLC: 0176/1**, relating to providing benefits to tribal schools and tribal school pupils similar to those provided to private schools and private school pupils.
4. **LRB-3007/1**, relating to an exemption for certain tribal officials under the lobbying law.
5. **WLC: 0127/3**, relating to conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission.
6. **LRB-3014/3**, relating to the creation of the Tribal Charter School Authorizing Board, the establishment of charter schools by the board, and making an appropriation.
7. **LRB-3023/1**, relating to the powers of tribal law enforcement officers under state law.
8. **LRB-3076/1**, relating to cooperative county-tribal law enforcement programs.

*Rep. Freese moved, seconded by Sen. Zien, that the eight drafts be voted on as a package.*

Senator Schultz asked that LRB-3076/1, relating to cooperative county-tribal law enforcement programs, be removed from the package and voted on separately; Representative Kreuser asked that LRB-3014/3, relating to the creation of the Tribal Charter School Authorizing Board, the establishment of charter schools by the board, and making an appropriation, also be removed from the package and voted on separately.

*Rep. Freese amended his previous motion to reflect both Sen. Schultz's and Rep. Kreuser's requests, and moved that the following six drafts be approved by the Joint Legislative Council:*

1. *WLC: 0069/6, relating to creating a property tax exemption for real property owned by an American Indian tribe or band and used exclusively for a governmental purpose.*
2. *WLC: 0177/2, relating to providing state aid to tribal schools for certain pupils and creating an appropriation.*

3. *WLC: 0176/1, relating to providing benefits to tribal schools and tribal school pupils similar to those provided to private schools and private school pupils.*
4. *LRB-3007/1, relating to an exemption for certain tribal officials under the lobbying law.*
5. *WLC: 0127/3, relating to conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission.*
6. *LRB-3023/1, relating to the powers of tribal law enforcement officers under state law.*

*The motion passed on a roll call vote as follows: Ayes, 18 (Sens. Lasee, Brown, Decker, Grothman, Kapanke, Miller, Risser, Robson, Schultz and Zien; and Reps. Wieckert, Ainsworth, Freese, Kaufert, Kreuser, Nischke, Pocan and Schneider); Noes, 0; and Excused, 4 (Sen. Fitzgerald; and Reps. Gard, Huebsch and Travis).*

*Sen. Brown moved, seconded by Rep. Ainsworth, that LRB-3076/1, relating to cooperative county-tribal law enforcement programs, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 16 (Sens. Lasee, Brown, Decker, Kapanke, Miller, Risser, Robson and Zien; and Reps. Wieckert, Ainsworth, Freese, Kaufert, Kreuser, Nischke, Pocan and Schneider); Noes, 2 (Sens. Grothman and Schultz); and Excused, 4 (Sen. Fitzgerald; and Reps. Gard, Huebsch and Travis).*

*Rep. Freese moved, seconded by Rep. Schneider, that LRB-3014/3, relating to the creation of the Tribal Charter School Authorizing Board, the establishment of charter schools by the board, and making an appropriation, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 15 (Sens. Lasee, Brown, Decker, Grothman, Kapanke, Miller, Robson, Schultz and Zien; and Reps. Wieckert, Ainsworth, Freese, Kaufert, Nischke and Schneider); Noes, 3 (Sen. Risser; and Reps. Kreuser and Pocan); and Excused, 4 (Sen. Fitzgerald; and Reps. Gard, Huebsch and Travis).*

### **Other Business**

There was no other business to come before the Joint Legislative Council.

### **Adjournment**

The meeting was adjourned at 10:00 a.m.